



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,776	06/13/2000	Lambert Wayne LeRoux	(014354/0002) B-66604	8001

20594 7590 08/23/2002

CHRISTOPHER J. ROURK  
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
P O BOX 688  
DALLAS, TX 75313-0688

EXAMINER

KEE, DAVID M

ART UNIT PAPER NUMBER

3628

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/592,776

Applicant(s)

LEROUX ET AL.

Examiner

David Kee

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 3628

### **DETAILED ACTION**

This application has been reviewed. Original claims 1-7 are pending. The objections and rejections are stated below.

#### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

2. Claims 2-7 are objected to because of the following informalities:

- All claims (2-7) must end with a period.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shavit et al. US Pat No. 4,799,156 (hereinafter “Shavit”).

Claim 1, Shavit teaches an Interactive Market Management (IMM) System comprising:

- A method for receiving transaction data from one or more merchants (Figure 2 and col. 11, line 11);
- A method for receiving payment data from one or more payment systems (Figure 2 and col. 8, lines 55-68); and
- A method for logging, storing, and correlating transaction data with payment data (col. 11, line 22).

Art Unit: 3628

Claim 2, Shavit teaches a method of displaying transaction and payment data. Since Shavit's invention enables concurrent communications with multiple parties, the IMM System is capable of displaying transaction data and payment data at the same time if the online parties include a buyer, a supplier, and a bank or financial institution (col. 11, lines 11-21 and Figure 2).

Claim 3, Shavit teaches a method wherein transaction data is stored and managed in the form of invoices (col. 16, lines 37-49).

Claim 6, Shavit teaches a method wherein payment transaction data is managed (col. 8, line 55 to col. 9, line 20).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. US Pat No 4,799,156 (hereinafter "Shavit").

Claims 4-5, the teachings of Shavit are discussed above.

Shavit fails to explicitly teach a fuel transaction and restaurant transaction system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Shavit to include a fuel transaction system and restaurant transaction system because Shavit's invention applies to a wide range of industries (Figure 2 and col. 5, line 66 to col. 6, line 18) and performs the same function as claimed.

The motivation to include a fuel transaction system and restaurant transaction system is to improve the efficiency of the system by generalizing the system's functionality thereby allowing the applicant's invention to be used by a number of industries.

Art Unit: 3628

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. US Pat No 4,799,156 (hereinafter "Shavit") in view of Anderson et al. US Pat No. 6,360,211-B1 (hereinafter "Anderson").

Claim 7, the teachings of Shavit are discussed above.

Shavit fails to explicitly teach a disposition system.

Anderson teaches a method wherein invoice and disposition data is maintained in a database (col. 11, line 59-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Shavit to include a method wherein invoice and disposition data are maintained in a database as taught by Anderson because it would have greatly improved the efficiency of the system by enabling the system to retain other types data relating to e-commerce.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- a. Egendorf US Pat No. 6,411,940-B1 Jun. 25, 2002. Internet billing system.
- b. Ganesan et al. US Pat No. 6,334,116-B1 Dec. 25, 2001. Technique for centrally tracking transactions in an electronic billing system.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to David Kee whose telephone number is (703) 305-5345. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, Frantzy Poinvil can be reached at (703) 305-9779.

The fax number or Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

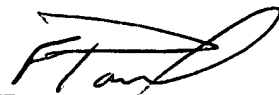
Application/Control Number: 09/592,776

Page 5

Art Unit: 3628

David Kee

August 19, 2002

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
A43628